

**CALENDAR ITEM  
C21**

A 10

S 2

10/13/16  
PRC 7822.9  
A. Franzoia

**DREDGING LEASE**

**APPLICANT:**

County of Marin

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in San Francisco Bay at the northern and southern entrance channels to Paradise Cay, near the town of Tiburon, Marin County.

*AUTHORIZED USE:*

Maintenance dredge a maximum of 40,000 cubic yards of material over the lease term to maintain a navigable depth in the northern and southern entrance channels to Paradise Cay with disposal at U.S. Army Corps of Engineers approved disposal sites or beneficial upland uses previously authorized by the Commission. Dredged material may not be sold.

*LEASE TERM:*

10 years, beginning October 13, 2016.

*CONSIDERATION:*

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such to be in the State's best interests.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

**Public Trust and State's Best Interests Analysis:**

Paradise Cay is an unincorporated residential enclave and yacht harbor in the town of Tiburon in Marin County located two miles south of Point San

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Quentin. The waterfront community is near Tiburon Peninsula south of Corte Madera Creek along San Francisco Bay.

In the 1960s, the community was built on sold and partially filled Board of Tideland Commissioner lots as one of the last filled lands allowed in San Francisco Bay. Paradise Cay has more than 200 homes, many with docks that can accommodate a 60-foot yacht. Located along the community's north end is the Paradise Cay Yacht Harbor that shares the northern entrance channel under Lease No. PRC 2148.1.

On August 8, 2005, the Commission authorized the issuance of a 10-year Dredging Lease, Lease No. PRC 7822.9, to the County of Marin to maintenance dredge a maximum of 20,000 cubic yards of material from the lease premises ([Calendar Item 39, August 8, 2005](#)). That lease expired and the Applicant has applied for a new lease.

Maintenance dredging to maintain a navigable depth for recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5). Based on the foregoing, Commission staff believes that maintenance dredging will improve recreational boating at this location and not substantially interfere with other Public Trust needs, at this location, for the foreseeable term of the proposed lease.

The proposed lease is to maintain navigable depths at the northern and southern entrances to Paradise Cay for recreational boating in San Francisco Bay. For this reason, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.3 of the Commission's Strategic Plan to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under

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Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304, example (g).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Site and Location Map
- B. Land Description

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304, example (g).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially interfere with the Public Trust needs and values at this location at this time and for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the State's best interests; and that the authorized maintenance dredging will be a public benefit to navigation.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

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**AUTHORIZATION:**

Authorize the issuance of a General Lease - Dredging to the County of Marin beginning October 13, 2016, for a term of 10 years, to maintenance dredge a maximum of 40,000 cubic yards of material over the lease term to maintain a navigable depth in the northern and southern entrance channels to Paradise Cay as described in Exhibit A and shown on Exhibit B (for reference purposes only); such permitted activity is contingent upon Applicant's compliance with applicable permits, recommendations, or limitations issued by federal, State, and local governments; dredged material shall be disposed at the U.S. Army Corps of Engineers approved disposal sites or Commission approved beneficial upland uses and may not be sold.

## EXHIBIT A

PRC 7822.9

### LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of the San Francisco Bay, Marin County, California, more particularly described as follows:

#### Parcel 1 (North Channel)

BEGINNING at the southeast corner of Lot 43, Paradise Cove Subdivision, filed in Volume 5, of Maps at Page 77, Records of said County; said corner also being on the northeast line of said subdivision; said corner also being on the "Line of Nine Feet of Water at the lowest stage of the tide" as shown on "Map No. 2 of Salt Marsh and Tidelands situate in the County of Marin, State of California, 1870" filed in Can "S", Marin County Recorder's Office; thence along said northeast line of said subdivision South 36°00'00" East 80.00 feet; thence leaving said subdivision line North 54°00'00" East 100.00 feet; thence North 36°00'00" West 80.00 feet; thence South 54°00'00" West 100.00 feet to said subdivision line and the POINT OF BEGINNING.

#### Parcel 2 (South Channel)

BEGINNING at the northeast corner of Lot 24, Paradise Cay – South Cay – Unit 2, filed in Volume 18, of Maps at Page 97, Records of said County; said corner also being on the easterly line of said subdivision; said corner also being on the "Line of Nine Feet of Water at the lowest stage of the tide" as shown on "Map No. 2 of Salt Marsh and Tidelands situate in the County of Marin, State of California, 1870" filed in Can "S", Marin County Recorder's Office; thence along said easterly line of said subdivision South 16°30'00" East 83.44 feet; thence leaving said subdivision line North 90°00'00" 1071.10 feet; thence North 00°00'00" East 80.00 feet; thence North 90°00'00" West 1094.80 feet to said subdivision line and the POINT OF BEGINNING.

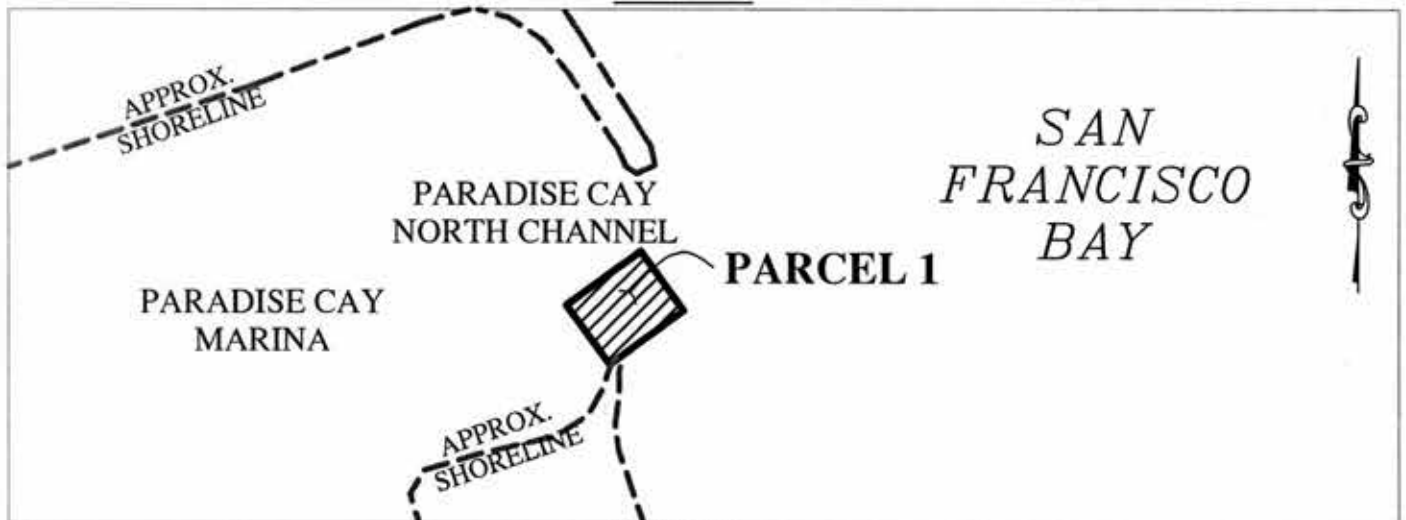
### END OF DESCRIPTION

PREPARED BY 9/07/16 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

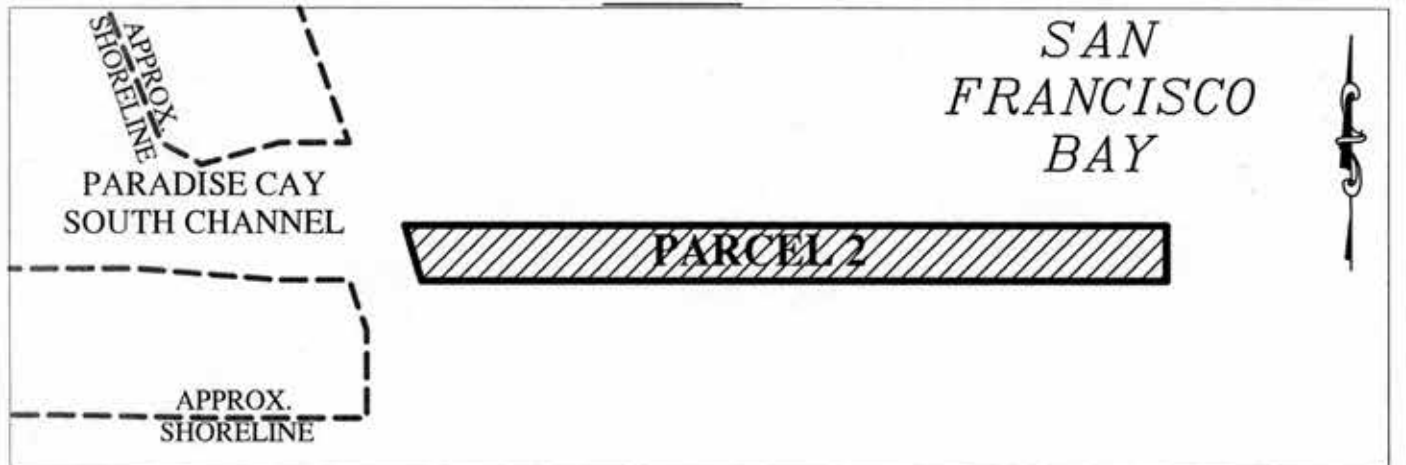


NO SCALE

## SITE 1



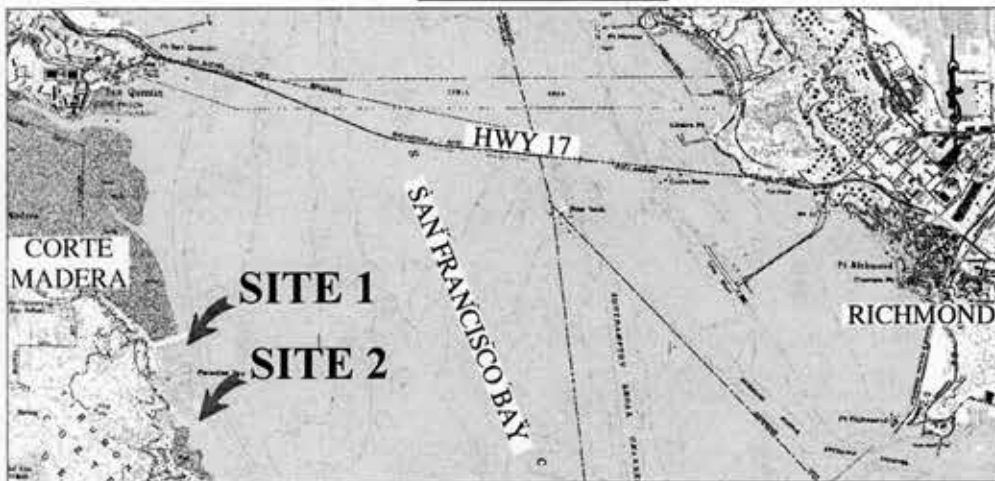
## SITE 2



Paradise Cay Yacht Harbor

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

## **Exhibit B**

PRC 7822.9  
COUNTY OF MARIN  
GENERAL LEASE -  
DREDGING  
MARIN COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

MJF 9/07/16